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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,062	10/30/2003	Verona Lynn Bright		8131

7590 10/27/2004

JEFFREY B. WILLIAMS
SHOOK, HARDY & BACON L.L.P
2555 GRAND BLVD.
KANSAS CITY, MN 64108-2613

EXAMINER

GORDON, STEPHEN T

ART UNIT PAPER NUMBER

3612

DATE MAILED: 10/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/697,062

Applicant(s)

BRIGHT, VERONA LYNN

Examiner

Stephen Gordon

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WV

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-27 and 31-35 is/are pending in the application.
- 4a) Of the above claim(s) 14-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-25, 27 and 31-35 is/are rejected.
- 7) ☒ Claim(s) 26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10-30-03 + 9-7-04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 14-21 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention. Election was made **without** traverse in the reply filed on 9-7-04.
2. It is requested that applicant cancel non-elected claims 14-21 in response to this action to facilitate the issue process if the application is ultimately allowed.
3. The abstract of the disclosure is objected to because it should be limited to a single paragraph. Correction is required. See MPEP § 608.01(b).
4. Claims 23-24, 31, and 33-35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claim 23, "the lateral distance" in the last line lacks clear antecedent basis and could be written as –a lateral distance—for clarity in this regard as best understood. Additionally, lines 4-5 are slightly confusing, and "having" in line 4 could be replaced with –which has—to clarify the claim in this regard.

Re claim 31, "the vertical and horizontal directions" lacks clear antecedent basis, and "the" could be deleted from the term to clarify the claim in this regard.

Re claim 33, line 3 is somewhat confusing, and "one lid" could be replaced with –one of said lids—to clarify the claim in this regard.
5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 22, 25, 31, and 32, as best understood, are rejected under 35

U.S.C. 102(b) as being anticipated by Kemming '152.

Kemming teaches a truck box defining box body sections with attached lids 27, a cavity (see figure 3), and a removable insert 34+ as broadly claimed.

Re claim 25, at least elements 22, 25, and 29 define an interconnecting frame as broadly claimed. The insert is deemed positioned on the frame as broadly claimed.

Re claim 32, the body sections and insert are deemed to form an interference when connected as broadly claimed.

7. Claims 22, 25, 27, 31, and 32, as best understood, are rejected under 35

U.S.C. 102(b) as being anticipated by Bonstead et al '330.

Bonstead et al teaches a truck box defining box body sections (48, 50), attached lids 66, and a removable insert 18 positioned in a cavity as broadly claimed.

Re claim 25, lips 74 define a frame which interconnects the body sections (via the insert) as broadly claimed. The bolted insert is deemed positioned on the frame as broadly claimed.

Re claim 27, to the extent a rope etc. could be secured under shoulders 60 for aiding tiedown, such shoulders are deemed fairly readable on the tie-downs as broadly claimed.

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Re claim 32, the body sections and insert are deemed to form an interference when connected as broadly claimed.

8. Claim 26 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

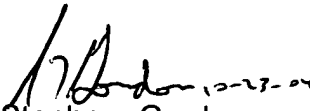
9. Claims 23-24 and 33-35 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note at least Burrows teaches a motorcycle wheel securement with attached tie-downs for a transport vehicle.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Gordon whose telephone number is (703) 308-2556. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Stephen Gordon
Primary Examiner
Art Unit 3612

stg